

eliminated and their means of ingress and egress to the elevators and annexes were closed; all dead animals were removed and any similar insanitary conditions were eliminated;

(b) all of the wheat for human consumption on hand in the Takoma Park and Verdon elevators was inspected by a representative of the Food and Drug Administration, a detailed report of the conditions of the wheat was made to the court, and a further order of the court thereafter entered;

(c) an inspection was made of the defendants' elevators and annexes by a representative of the Food and Drug Administration and a report made to the court showing that the above-described insanitary conditions no longer existed.

25165. Wheat. (Inj. No. 323.)

COMPLAINT FOR INJUNCTION FILED: 1-21-58, Dist. S. Dak., against Cargill, Inc., a corporation, and Wallace S. Rislov, manager of the corporation's elevators at Claremont and Huffton, S. Dak.

CHARGE: The complaint alleged that the defendants were engaged at Claremont and Huffton, S. Dak., in storing and distributing wheat for human consumption, and that the defendants had been and were at the time of filing the complaint causing to be introduced and delivered for introduction into interstate commerce, at Claremont and Huffton, S. Dak., wheat, which was adulterated within the meaning of 402(a)(4) by reason of being held under insanitary conditions at the defendants' above-mentioned elevators whereby it may have become contaminated with filth.

It was alleged further that the insanitary conditions resulted from and consisted of the following:

Claremont Elevator No. 1 and attached annex—bins accessible to rodents, dead mice, rodent excreta pellets, granary weevils and other insects in and on the wheat, and rodent-gnawed holes and rodent tracks in headhouse of elevator; live mice and rodent nests inside the building; birds in the driveway inside the elevator; rodent excreta pellets and live granary weevils in and on the wheat in the open conveyor belt beneath the annex; dead mice beneath buildings; rodent excreta pellets and granary weevils in static wheat on ground beneath buildings; and rodent excreta pellets on the sill around top of annex.

Claremont Elevator No. 2 and annex—bins accessible to rodents; live mice inside building; birds and bird nests in headhouse and driveway inside the elevator; and dead rodents, rodent excreta pellets, and rodent tunneling underneath the building.

Huffton Elevator No. 1 and annex—bins accessible to rodents, and rodent excreta pellets in and on the wheat in the storage bins; dead mice on floor of headhouse; rodent holes at bottom of bins; rodent excreta pellets at bottom of bins and on sill in annex of elevator; live birds in headhouse and driveway inside the elevator; rodent nest on platform in feed warehouse in the annex; and static debris in the conveyor underneath the annex which was open and accessible to rodents and insects.

Huffton Elevator No. 2 and annex—bins accessible to rodents, dead mice, and rodent excreta pellets in and on the wheat; rodent excreta pellets on floor of headhouse and on main floor at bottom of the bins; rodent excreta pellets on sills of annex; birds in driveway inside the elevator; and weevils and other insects, and live rodents and rodent tracks in and on the wheat.

The complaint alleged further that the defendants were well aware their activities were violative of the Act; that a carload of wheat had previously seized under the Act because it was contaminated with rat pellets; that a previous inspection had been made of the grain elevator which time the insanitary conditions were called to the defendants' attention and, that despite such warnings, the defendants continued to introduce interstate commerce, wheat adulterated as specified above.

DISPOSITION: 1-21-58. The defendants having consented, the court entered a decree of permanent injunction enjoining the defendants from directly or indirectly causing to be introduced or delivered for introduction into interstate commerce, wheat, for human consumption, held in the defendant elevators and annexes at Claremont and Huffton, S. Dak., unless and the following acts were done:

(a) the elevators and annexes were thoroughly cleaned, renovated, rendered suitable for the storage of wheat for human consumption, in manner and to such extent as may be required to satisfy a representative of the Food and Drug Administration;

(b) all of the wheat for human consumption on hand in the elevators and annexes at the time the elevators and annexes were cleaned, renovated, rendered suitable for the storage of food for human consumption, was destroyed, denatured for use as animal feed, or cleaned and otherwise rectified under the supervision of a representative of the Food and Drug Administration and thus brought into compliance with the provisions of the Act, with all costs of said supervision to be borne by the defendants; and

(c) an inspection was made of the defendants' elevators and annexes by a representative of the Food and Drug Administration, and a report made to the court showing that the insanitary conditions no longer existed and the wheat described in paragraph (b) above had been destroyed, denatured and brought into compliance with the law as provided in said paragraph above, provided that removals and shipments of grain from said elevators and annexes might be made from time to time by the defendants upon first obtaining written permission from a representative of the Food and Drug Administration.

25166. Wheat. (F.D.C. No. 41956. S. No. 31-530 P.)

QUANTITY: 60,980 lbs. at Clifton, N.J.

SHIPPED: 7-17-58, from Auburn, N.Y., by Coop. G. L. F. Marketing Service, Inc.

LABELED: 7-29-58, Dist. N.J.

CHARGE: 402(a)(3)—contained rodent pellets when shipped.

DISPOSITION: 8-15-58. Consent—claimed by Coop. G. L. F. Exchange, Auburn, N.Y., and converted into chicken feed.

25167. Wheat. (F.D.C. No. 42093. S. No. 26-919 P.)

QUANTITY: 91,500 lbs. at Minneapolis, Minn.

SHIPPED: 7-28-58, from New Town, N. Dak., by Farmers Union Elevator, Sanish.

LABELED: 8-19-58, Dist. Minn.

CHARGE: 402(a)(3)—contained rodent pellets when shipped.

DISPOSITION: 9-10-58. Consent—claimed by Farmers Union Grain Term Association. Segregated; 2,980 lbs. converted into animal feed.